

**IN RE: RISPERDAL / SEROQUEL /  
ZYPREXA LITIGATION**

**CIVIL ACTION**

**Case Code: 274**

**CASE MANAGEMENT ORDER No. 41**

**THIS MATTER** having been opened by the court regarding the selection of additional Seroquel® cases to be prepared for trial and tried before a jury; and good cause having been shown;

IT IS on this 17<sup>th</sup> day of November, 2010,

**ORDERED** as follows:

**FILED**  
**NOV 17 2010**  
**JUDGE JESSICA R. MAYER**

1. No later than **December 23, 2010**, counsel for plaintiffs shall select ten (10) cases for trial and provide a brief analysis of each case from the pool of cases in which PFSs have been served or will be served prior to December 23, 2010.
2. No later than **December 23, 2010**, counsel for the AstraZeneca Defendants shall select ten (10) cases for trial and provide a brief analysis of each case from the pool of cases in which PFSs have been served or will be served prior to December 23, 2010.
3. On or before **January 7, 2011**, the court shall select ten (10) out of the twenty (20) cases presented by counsel for trial to undergo discovery as set forth in paragraphs 4 through 6 of this order.
4. For the ten (10) selected cases, the AstraZeneca Defendants shall serve the eight (8) categories of information previously agreed upon by the parties as to each prescribing healthcare professional, principal treating physician, and any other healthcare professional that the parties wish to depose for a total of five (5) healthcare professionals per case. The information required pursuant to this paragraph shall be provided to plaintiffs by the AstraZeneca Defendants no later than **February 14, 2011**.
5. For the ten (10) selected cases, the AstraZeneca Defendants shall provide the eight (8) categories of sales representative information previously agreed upon by the parties as well as the documents consistent with the court's Order of November 12, 2010, limited to two (2) sales representatives per case. The sales representative information shall be provided by the

AstraZeneca Defendants to counsel for plaintiffs no later than twenty one (21) days prior to the deposition of the sales representative.

6. Counsel shall be permitted the following discovery in each of the ten (10) selected cases: deposition of each plaintiff; depositions of not more than five (5) prescribing healthcare professionals and/or treating physicians; and depositions of not more than two (2) sales representatives. Discovery for the ten (10) selected cases shall be completed by **April 29, 2011**.
7. Upon completion of the discovery specified in paragraph 6, counsel shall provide the court with a written analysis of the ten (10) selected trial cases. Counsel's written analysis shall be served by **May 6, 2011**.
8. On or before **May 20, 2011** the court shall select three (3) cases for trial.
9. Plaintiffs' expert reports in the three (3) court selected cases for trial shall be provided no later than **June 24, 2011**.
10. AstraZeneca Defendants' expert reports in the three (3) court selected trial cases shall be provided no later than **July 29, 2011**.
11. Depositions of experts in the three (3) court selected trial cases shall be completed no later than **September 2, 2011**.
12. All dispositive motions and motions relating to the admissibility of expert testimony (Kemp/Rule 702) in the three (3) court selected trial cases shall be filed and served according to the following schedule:
  - (a) Motions: no later than **September 23, 2011**;
  - (b) Oppositions: no later than **October 11, 2011**;
  - (c) Replies: no later than **October 17, 2011**;
  - (d) Return date: **October 21, 2011** (with oral argument to be scheduled by the court.)
  - (e) Any Kemp/Rule 702 hearings deemed necessary by the court to be held on dates to be scheduled between **November 1 through November 30, 2011**.
13. All in limine motions in the three (3) court selected trial cases shall be filed and served according to the following schedule:
  - (a) Motions: no later than **November 30, 2011**;
  - (b) Oppositions: No later than **December 8, 2011**;
  - (c) Oral argument: to be scheduled by the court if deemed necessary.
14. The schedule for the exchange and submission of deposition designations in the three (3) court selected trial cases shall be as follows:

- (a) Counsel to exchange proposed deposition designations **October 31, 2011**;
  - (b) Counsel to exchange objections for deposition designations and counter designations **November 7, 2011**;
  - (c) Counsel to meet and confer regarding deposition designations during the week of **November 14, 2011**;
  - (d) Counsel to submit to the court formal written objections to any unresolved deposition designations no later than **December 5, 2011**.
15. The schedule for the exchange and submission of proposed exhibit lists and witness lists for the three (3) court selected trial cases shall be as follows:
- (a) Counsel to exchange proposed exhibit lists and witness lists no later than **December 19, 2011**;
  - (b) Counsel to serve objections to proposed exhibit lists and witness lists no later than **January 6, 2012**;
  - (c) Counsel to submit final exhibit lists and witness lists to the court no later than **January 20, 2012**.
16. A one page joint statement of the case for the jury pool, joint submissions of questions for the jury voir dire, proposed jury charges and proposed verdict sheet for each of the three (3) court selected trial cases shall be submitted to the court no later than **January 27, 2012**.
17. All of the aforementioned documents to be filed with the court shall be filed by 12:00 p.m. on the due date.
18. Trials for the three (3) selected cases will be tried simultaneously with a one (1) week delay to accommodate jury selection for each trial case. The trials for the three (3) selected cases shall be: **February 6, 2012; February 14, 2012; and February 21, 2012**.
19. A copy of this order shall be posted by the court within seven (7) days of the date of this order.

  
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JESSICA R. MAYER, J.S.C.